

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CREEDON CONTROLS, INC., a
Delaware corporation,

Plaintiff,

v.

BANC ONE BUILDING CORPORATION,
an Illinois corporation; and FOREST
ELECTRIC CORPORATION, a New York
corporation,

Defendants.

Civil Action No. 05-300-JJF

ORDER

At Wilmington this **6th** day of **March, 2007**,

IT IS ORDERED that:

1. A continuation of mediation is scheduled for **Tuesday, May 8, 2007**
at **10:00 a.m.**

2. **Required participants who must be present at mediation:**

- a. Trial counsel and counsel familiar with the case.
- b. The parties and/or decision-makers of the parties, who must have full authority to act on behalf of the parties, including the authority to negotiate a resolution of the matter.

In-person attendance at mediation by the above-described individuals is required unless otherwise authorized by the Court.

In addition, under separate cover, the direct dial telephone work numbers and

cell or home numbers of in-state and out-of-state counsel who will be attending the mediation shall be provided to the Magistrate Judge.

Any request to bring electronic equipment, for example, cell phones, blackberries or laptop computers, for use ONLY during the mediation conference, shall be made in writing under separate cover and must accompany the mediation statements, and shall include the name(s) of the individuals and the equipment requested to be authorized. The electronic equipment must be an integral part of the mediation process and not just for convenience.

3. If desired by the parties, on or before **Tuesday, April 24, 2007, AN ORIGINAL and ONE COPY** of the supplemental mediation conference statements shall be submitted ONLY to the Magistrate Judge. The supplemental mediation conference statements shall be delivered to the Clerk's Office in an envelope addressed to U. S. Magistrate Judge Mary Pat Thyng and marked "CONFIDENTIAL MEDIATION STATEMENT."

4. The supplemental mediation conference statements may be in memorandum or letter form, and shall be limited to no more than **seven (7) pages double spaced, 12 pt. font**. The update shall include the amount of attorneys' fees and costs incurred to date and expected to be incurred in the future if the matter does not settle and a description and history of settlement negotiations between counsel and/or the parties since the prior mediation.

5. Crucial or pertinent documents or other documentary evidence or a summary of said documents may be submitted as exhibits to the mediation conference statement. Counsel are cautioned to limit such exhibits.

6. Those participating in the mediation conference shall be available and accessible throughout the process. The Court expects the parties' full and good faith cooperation with the mediation process.

7. The contents of the mediation conference statements and the conference discussions, including any resolution or settlement, shall remain confidential, shall not be used in the present litigation, nor any other litigation presently pending or filed in the future, and shall not be construed as nor constitute an admission. Breach of this provision shall subject the violator to sanctions.

Local counsel are reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately of any problems regarding compliance with this Order.

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE